UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,186	10/20/2003	Sheng Ye	CN920020009US1	2701

36380   7590   04/04/2007
RICHARD M. GOLDMAN
371 ELAN VILLAGE LANE
SUITE 208, CA 95134

EXAMINER
HILLERY, NATHAN

ART UNIT	PAPER NUMBER
2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/689,186	YE ET AL.
	Examiner	Art Unit	
	Nathan Hillery	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,16 and 20-22* is/are pending in the application.

    4a) Of the above claim(s) *1-11* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16 and 20-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☒ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 12/28/06.

2. Claims 1 – 11, 16 and 20 – 22 are pending in the case. Claims 16 and 20 are independent. Claims 16 and 20 – 22 have been elected for examination at this time.

Claim Objections

3. Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

4. Specifically, claim 22 recites when the data type is one of "SingleLine", "MultiLine", "Block" and "Iterator". However, according to its parent claim, claim 21, the data type can be "Text". Therefore, in this case, claim 22 does not limit its parent claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 16 and 20 – 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16 and 20 – 22 are directed to transforming data. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea,

naturally occurring article/phenomenon) since it fails to produce a useful, concrete and

tangible result.

Specifically, the claimed subject matter does not produce a tangible result

because the claimed subject matter fails to produce a result that is limited to having real

world value rather than a result that may be interpreted to be abstract in nature as, for

example, a thought, a computation, or manipulated data. More specifically, the claimed

subject matter provides for transforming data. This produced result remains in the

abstract and, thus, fails to achieve the required status of having real world value.

It should be noted that a data transformation, i.e. a transformation of abstract

things, is not a physical transformation and will not overcome this rejection on this basis.

Further, to expedite a complete examination of the instant application the claims

rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth

below in anticipation of applicant amending these claims to make them statutory.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

8.   Claims 16 and 20 – 22 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

9.   Regarding claims 16 and 20, it is unclear into what the extracted data is to be

transformed as recited in claim 16, line 11 and claim 20, line 10.

10.   Regarding claims 16 and 20, it is unclear into what is meant by "objective data

file" as recited in claim 16, line 7 and claim 20, line 2. Thus, the metes and bounds of

"objective data file" is unclear. Consequently, all subsequent recitations of "objective

data file" are also rejected.

11.   Regarding claims 21 and 22, the claims are rejected for fully incorporating all of

the deficiencies of the base claim(s) from which they depend.

Claim Rejections - 35 USC § 102

12.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13.   Claims 16 and 20 – 22 are rejected under 35 U.S.C. 102(b) as being anticipated

by Barr (Programming Embedded Systems in C and C++).

14.   **Regarding independent claims 16 and 20,**

Barr teaches that a symbol table somewhere in the object file that contains the

names and locations of all the variables and functions referenced within the source file

(p 2, second full paragraph), which meet the limitation of **determining a data type and**

data location for the data in the original data files;

Barr teaches that the contents of an object file can be thought of as a very large,

flexible data structure. The structure of the file is usually defined by a standard format. If

you'll be using more than one compiler (i.e., you'll be writing parts of your program in

different source languages), you need to make sure that each is capable of producing

object files in the same format (p 2, first full paragraph), which meet the limitation of

determining correspondence between the original data files and formats of the

objective data files;

Barr teaches that a symbol table somewhere in the object file that contains the

names and locations of all the variables and functions referenced within the source file

(p 2, second full paragraph), which meet the limitation of **determining locations of the**

original data files based on location descriptions on one or more data units.

Barr teaches that each of these sections contains one or more blocks of code or

data that originated within the original source file (p 2, second full paragraph), which

meet the limitation of **extracting the original data files;**

Barr teaches that Regardless of the input language (C/C++, assembly, or any

other), the output of the cross-compiler will be an object file. This is a specially

formatted binary file that contains the set of instructions and data resulting from the

language translation process (p 1, fourth paragraph), which meet the limitation of

transforming the extracted data into (?) based on correspondence between data

units to be located and specific formats of the objective data files.

15.   **Regarding dependent claim 21**, Barr teaches that all of the code blocks are

collected into a section called text (p 2, second full paragraph), which meet the limitation

of **wherein the data type is one of "Text", "SingleLine", "MultiLine", "Block" and**

"Iterator".

16.   **Regarding dependent claim 22**, Barr teaches that all of the code blocks are

collected into a section called text (p 2, second full paragraph), which meet the limitation

of **wherein when the data type is one of "SingleLine", "MultiLine", "Block" and**

"Iterator" a. selecting a different data unit as the location reference for the data

unit; b. generating the location description for the data unit, based on the type of

the data unit and the position relationship between the data unit and the different

data unit, the description including the type of the data unit, one or more location

elements for locating the data unit and including "Top", "Bottom", "Leg" and

"Right". It should be noted that the teaching meets the limitations when the data type is

"Text".

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barr

(Programming Embedded Systems in C and C++).

19.   First, it should be noted that the Office is providing this rejection in anticipation of

Applicant amending the claim to overcome the objection above in order to further

expedite examination. Further, this rejection is offered to meet the limitations of the claim in the case when the data type is not "Text".

20.   **Regarding dependent claim 22,** Barr teaches that all of the code blocks are collected into a section called text. There is also usually a symbol table somewhere in the object file that contains the names and locations of all the variables and functions referenced within the source file (p 2, second and third full paragraphs), which meet the limitation of **wherein when the data type is one of "SingleLine", "MultiLine", "Block" and "Iterator" a. selecting a different data unit as the location reference for the data unit; b. generating the location description for the data unit, based on the type of the data unit and the position relationship between the data unit and the different data unit, the description including the type of the data unit, one or more location elements for locating the data unit and**

21.   Barr does not explicitly teach **including "Top", "Bottom", "Left" and "Right".**

22.   However, it would have been obvious to one of ordinary skill in the are at the time of the invention to include top, bottom, left and right, since Barr does teach the object file that contains the names and locations of all the variables and functions referenced within the source file (p 2, third full paragraph).

Response to Arguments

23.   Applicant's arguments with respect to claims 16 and 20 – 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

24.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nathan Hillery whose telephone number is (571) 272-

4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NH

Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100